

NL

July 12, 1977

Mr. Melvin Page
Area Director
Occupational Safety and
Health Administration
Suite 4256
600 Arch Street
Philadelphia, Pennsylvania 19106

NL Industries, Inc.
Industrial Chemicals Division
Philadelphia Plant

Dear Mr. Page:

As you know, since my letter of June 16, 1977, the above plant has been subject to another exhaustive inspection by a representative of your staff. Although the issue for decision is whether NL is to be accorded further time to complete its comprehensive abatement program under the December 22, 1975 OSHA citation, extensive information was again sought on a substantial number of varied matters including plant processes.

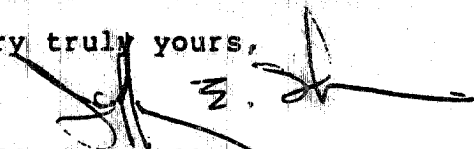
Although NL has detailed the various factors that bear upon the decision under OSHA regulations, the latest visit adds to those numerous plant visits which have already occurred during the three consecutive time extensions sought by OSHA since NL filed its petition last March. NL has made every effort to cooperate during these numerous visits and to provide the various data which the inspectors feel they ought to have. The only exception has involved blood lead data which is not required by regulations. Since there has been no objection from the employee's representative and NL has been following its comprehensive program in good faith, we are puzzled by the Agency's delay and conduct of this matter.

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During the latest visit, after reviewing various areas already viewed, the inspector requested to meet privately with our employees. NL cooperated although we are entitled to have a representative at such a meeting. We are particularly distressed to learn that during this meeting, the inspector circulated a detailed questionnaire to the employees which called for substantial amounts of information about management practices, management statements, employee habits, medical examinations and specific blood lead information. Since the Agency was already informed of NL's corporate policy regarding dissemination of the blood lead data, this action to circumvent that policy without management's knowledge was unfair. Plant management was misled into acquiescing to the inspector's request since no representation was ever made about the existence of the questionnaire, the intent to use it, or the fact that blood lead data would be elicited from the employees.

These developments are not only incompatible with anyone's sense of fair play, they are not conducive to good faith cooperation in the achievement of the important task of continued health and safety protection in the work place. The requested abatement extension has the support of our employees and we respectfully request that OSHA expedite its approval without further digression.

Very truly yours,


Jeffrey B. Silver
Counsel - Governmental Affairs

JES:sp

bc: T. Anderson
D. W. Hurley
J. L. Jacobs
J. W. Roper

NL 000041373